

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TODD EVANS,)	3:09-CV-0319-LRH (VPC)
)	
Plaintiff,)	<u>MINUTES OF THE COURT</u>
)	
vs.)	May 27, 2011
)	
E.K. McDANIEL, et al.,)	
)	
Defendants.)	
_____)	

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Plaintiff's motion for subpoena duces tecum (#68) is **DENIED**. In this motion, plaintiff requests that the court "order" a subpoena to the Director of the Ohio State Prisons (#68).

Plaintiff is currently proceeding *in forma pauperis* in this case (#5). In the order granting *in forma pauperis* status, plaintiff was cautioned that *in forma pauperis* status shall not extend to the issuance and service of subpoenas at government expense. *Id.* The granting of an application to proceed *in forma pauperis* does not waive the applicant's responsibility to pay the expenses of litigation. LSR 1-8.

While the court appreciates the fact that plaintiff may have some money in his prison account, plaintiff requested this subpoena only four days before the expiration of discovery. Plaintiff would not have been able to arrange for the witness fee, service of the subpoena, copying of the documents at his expense, and shipping in the time span of four days. The time for discovery was previously enlarged and concluded on May 6, 2011 (#66). No further extensions of time shall be granted.

Defense counsel was directed to inquire of his clients if they are in possession of records from Ohio and advise plaintiff no later than May 6, 2011 (#66). Defense counsel shall file a status report with the court advising the court of those efforts no later than **Wednesday, June 8, 2011**.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: /s/
Deputy Clerk